

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Rezoning

Project Name and Location: Phoenix III Corporation/Harry C. Speyer,
5401 SW 82 Avenue/Generally located between Pine Island Road and
SW 82 Avenue approximately 2,400 feet north of Stirling Road.

TITLE OF AGENDA ITEM:

ZB 1-3-01 Applicant: Phoenix III Corporation, petitioner/Harry C. Speyer,
owner.

REPORT IN BRIEF:

The applicant is requesting to rezone a 9.6 acre site from A-1, Agricultural District to R-3, Low Density Dwelling District for the purposes of constructing twenty-eight (28) single family residential dwelling units. The twenty-eight (28) dwelling units are the maximum permitted by the subject site's Residential 3 DU/Acre Land Use Plan Designation. The proposed zoning will be compatible with the surrounding zonings to the north and south. It will also remain consistent with the Town of Davie and Broward County Land Use Plan designation for the subject site as Residential (3 DU/Acre).

PREVIOUS ACTIONS:

Town Council denied petition ZB 12-3-99 on February 16, 1999 requesting to rezone the subject site from A-1, Agricultural District to RM-8, Medium Density Dwelling District, through the use of 30 residential "reserve units" as provided for by the Broward County Future Land Use Plan and Town of Davie Future Land Use Plan.

CONCURRENCES:

The Planning and Zoning Board recommended to approve the request at its March 14, 2001 meeting (motion carried 3-0, Ms. Moore recused herself).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Justification letter, Land Use Map, Subject Site Map, Aerial.

Application #: ZB 1-3-01

Revisions:

Exhibit "A"

Original Report Date: 3/16/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Harry C. Speyer

Address: 6927 Silvermill Drive

City: Tampa, FL 33635

Phone: (813) 885-4768

Agent:

Name: Phoenix III Corporation c/o Frank
A. Kamerling, Chairman

Address: 2921 NE 48th Street

City: Lighthouse Point, FL 33064

Phone: (954) 785-8543

BACKGROUND INFORMATION

Date of Notification: March 7, 2001 **Number of Notifications:** 27

Application Request: To rezone a 9.6 acre site from A-1, Agricultural District to R-3, Low Density Dwelling District.

Address/Location: 5401 SW 82 Avenue/Generally located between Pine Island Road and SW 82 Avenue approximately 2,400 feet north of Stirling Road.

Future Land Use Plan Designation: Residential (3 DU/Acre)

Zoning: A-1, Agricultural District

Existing Use: Vacant

Proposed Use: Twenty-eight (28) single family residential dwelling units

Parcel Size: 9.6 acres (418,176 square feet)

Surrounding Uses:

North: Vacant

South: United Pentecostal Church, Residential

**Surrounding Land
Use Plan Designation:**

Residential 3 DU/Acre

Community Facilities,

Residential 3 DU/Acre

East: Atrium Center's retention lake Commercial
West: Single family residential dwelling units,
cross Pine Island Road, within the municipal boundaries of Cooper
City

Surrounding Zoning:

North: A-1, Agricultural District
South: CF, Community Facilities District
East: B-3, Planned Business Center District
West: R1-A and R1-B, within the municipal boundaries of Cooper City

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property:

Town Council denied petition ZB 12-3-99 on February 16, 1999 requesting to rezone 10 gross acres of property from A-1, Agricultural District to RM-8, Medium Density Dwelling District, through the use of 30 residential "reserve units" as provided for by the Broward County Future Land Use Plan and Town of Davie Future Land Use Plan.

APPLICATION DETAILS

The applicant is proposing to construct twenty-eight (28) single family residential dwelling units on the 9.6 acre subject site. The twenty-eight (28) dwelling units are the maximum permitted by the subject site's Residential 3 DU/Acre Land Use Plan Designation. As stated in the applicant's justification letter, access to the site will be provided via Pine Island Road.

Applicable Codes and Ordinances

The applicable code is the Town of Davie Land Development Code.

Comprehensive Plan Considerations

Planning Area: This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses

varying scales, a girl scout campground facility, and a private school. The Town is optimistic in the potential expansion of commercial uses within this planning area, given the increased accessibility provided by Pine Island Road, and potential development of agricultural lands in the years to come.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Policy 6-1 Residential development of moderate to high density should be located in close proximity to arterial roadways, available mass transit, and other community amenities, and should generally be located east of Pine Island Road, unless located adjacent to the S.R. 84/I-595 corridor, or I-75 interchanges.

Staff Analysis

The proposed zoning will be consistent with the surrounding zonings to the north and south. It will also remain consistent with the Town of Davie and Broward County Land Use Plan designation as Residential 3 DU/Acre. The land use pattern in this area is in the process of changing, as evidenced by rezonings from very-low density to three (3) to five (5) DU/Acre; consistent with the Future Land Use Designation for the area.

Access to the site will be from Pine Island Road only, and the approximate 287 trips per day that will be generated from this site will not impair the road's continued operation at a favorable level B service standard.

The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. Therefore, the proposed use can be considered to be in harmony with the general intent and purpose of the code and will not be harmful to the public welfare.

Findings of Fact

Rezonings:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile

and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

(f) The proposed change will not adversely affect other property values;

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval, of petition ZB 1-3-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended to approve the request at its March 14, 2001 meeting (motion carried 3-0, Ms. Moore recused herself).

Exhibits

1. Justification letter
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

JUSTIFICATION
FOR REZONING REQUEST



The subject site contains approximately 10 gross acres that are vacant lands. The property is contiguous to the east side of Pine Island Road, situated approximately halfway between Griffin Road and Stirling Road. To the north are lands designated R-3 and, beyond that, property that was recently rezoned by the Town to residential R-5. On the eastern side of the site is SW 82nd Avenue, and across that, lands zoned B-3 commercial and already developed in commercial uses. To the south of the subject site is land designated R-3 on the eastern half, but property designated Community Facility (CF) on the western half. The CF property has been developed with a church and related facilities. On the western side of the site is Pine Island Road, which is a four lane divided arterial that forms the municipal boundary for the Town.

In 1997, Pine Island Road was constructed between Griffin and Stirling Roads, proximate to the amendment site. Completion of this 4-lane divided highway altered the character of the area. The roadway now forms a direct link to I-595 from Stirling Road, which is south of the subject site, making it directly accessible and more urban in nature. Developments along the older portion of Pine Island Road north of the amendment site maintain densities of an average of 3.6 units per acre in Forest Ridge, to densities of 5, 6.3, 10 and 16 units per acre, underscoring the urban nature of this roadway.

The petitioner proposes rezoning of the property to the zoning district R-3. This zoning would allow for a total of 28 dwelling units.

A review of a rezoning amendment request should include consideration of the criteria listed in Sec. 12-307 of the Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

Policy 6-1 of the adopted comprehensive plan of the Town of Davie provides that moderate density should be located proximate to arterial roadways, available mass transit and other community facilities, and generally sited east of Pine Island Road. The subject site is located proximate to arterial roadways and available mass transit. The site has immediate access to Pine Island Road, and is located immediately east of this roadway, consistent with Comprehensive Plan policies.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): The proposed change would create an isolated zoning district unrelated an

incompatible with adjacent and nearby districts.

The requested rezoning to R-3 is consistent and compatible with adjacent and nearby zoning districts. To the east are commercial uses, to a portion of the south are active church and related uses and, to the west, is the arterial roadway Pine Island Road. The proposed zoning district is compatible and appropriate given the zoning districts and uses that surround the site.

The requested rezoning positively satisfies this criterion.

Criterion (c): Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The existing zoning district boundaries define the entire site. The current zoning designations of A-1, however, is not consistent with the commercial uses to the east, community facility uses to the south or arterial highway to the west.

As a result, the proposed rezoning satisfactorily addresses this criterion.

Criterion (d): The proposed change will adversely affect living conditions in the neighborhood.

The proposed R-3 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site as a residential community that will improve the appearance of the property and serve as an asset to the surrounding uses.

The rezoning request addresses this criterion.

Criterion (e): The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

The current land use designation on the site for 3 units per acre, which would result in approximately 287 trips per day according to Broward County standards. The requested rezoning would not result in an increase in vehicle trips. All traffic will be routed directly to Pine Island Road, which is a four-lane divided arterial.

The proposed request, therefore, will not increase traffic above the level already anticipated. Further, the proposed residential development will have no effect on public safety. As a result, the proposed rezoning satisfies this criterion.

Criterion (f): The proposed change will adversely affect other property values.

The requested rezoning will have a positive impact on surrounding property values by providing attractive, upscale residential development.

As a result, this criterion is satisfied by the proposed rezoning request.

Criterion (g): The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Land to the east of the subject site is already developed in commercial uses. Half of the land to the south of the site is developed in community facility uses, while the entire western edge of the site is Pine Island Road; recently expanded to a four lane divided arterial. The balance of the land surrounding the site is designated for development in residential uses. The proposed change for residential use, therefore, will not be a deterrent to the improvement or development of these surrounding properties.

Criterion (h): The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

Criterion (i): There are substantial reasons why the property cannot be used in accord with existing zoning.

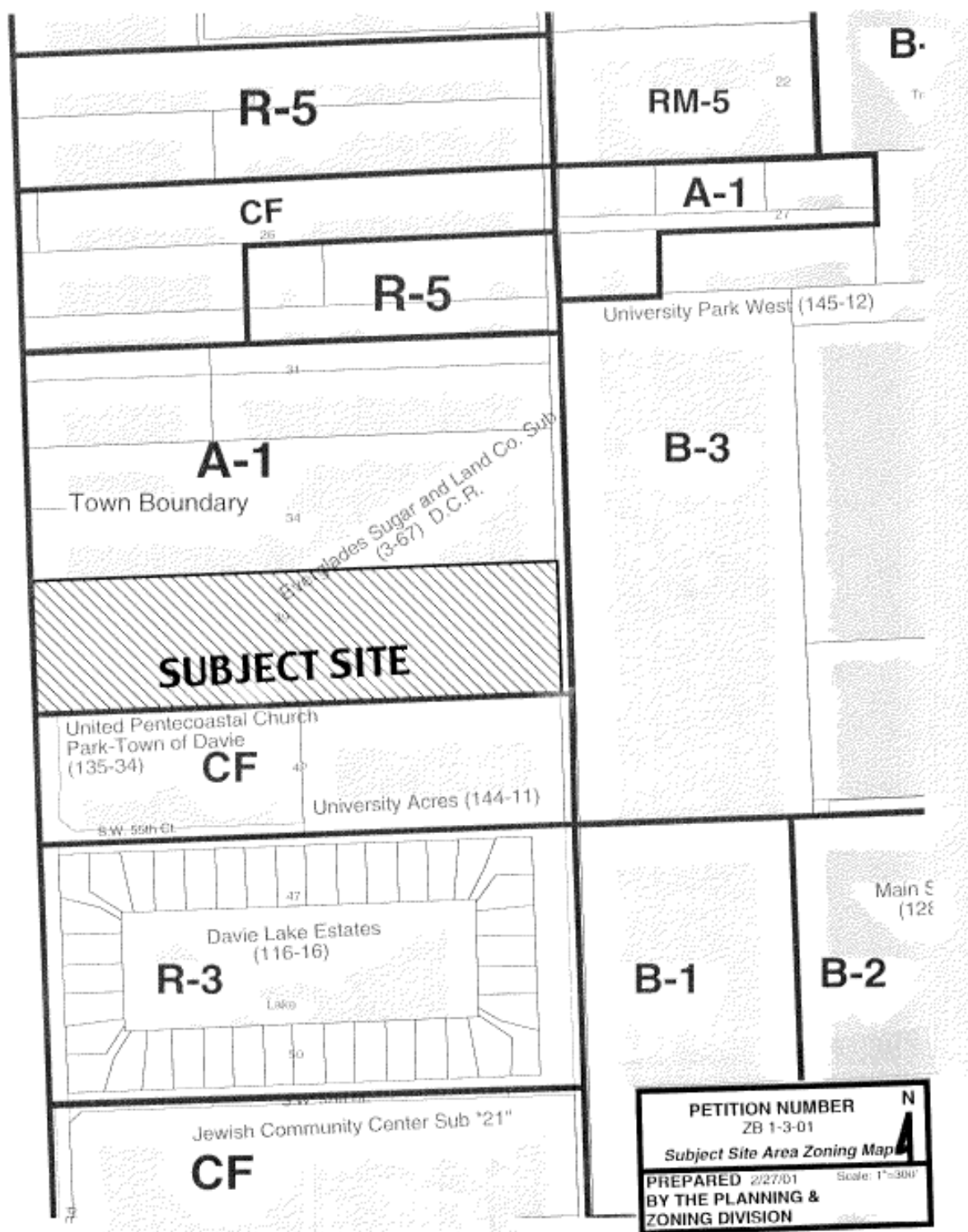
The existing zoning of the property is A-1, which allows for residential development at one dwelling unit per acre. Given the property's size and location, however, it is not suitable for development at that density. Furthermore, such development would not be compatible with the existing surrounding development. As a result, the proposed change is requested to allow a reasonable use of the property that is consistent with surrounding development patterns.

Criterion (j): The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed rezoning will provide a logical transition from the commercial uses to the east, community facility uses to the south and arterial roadway to the west.

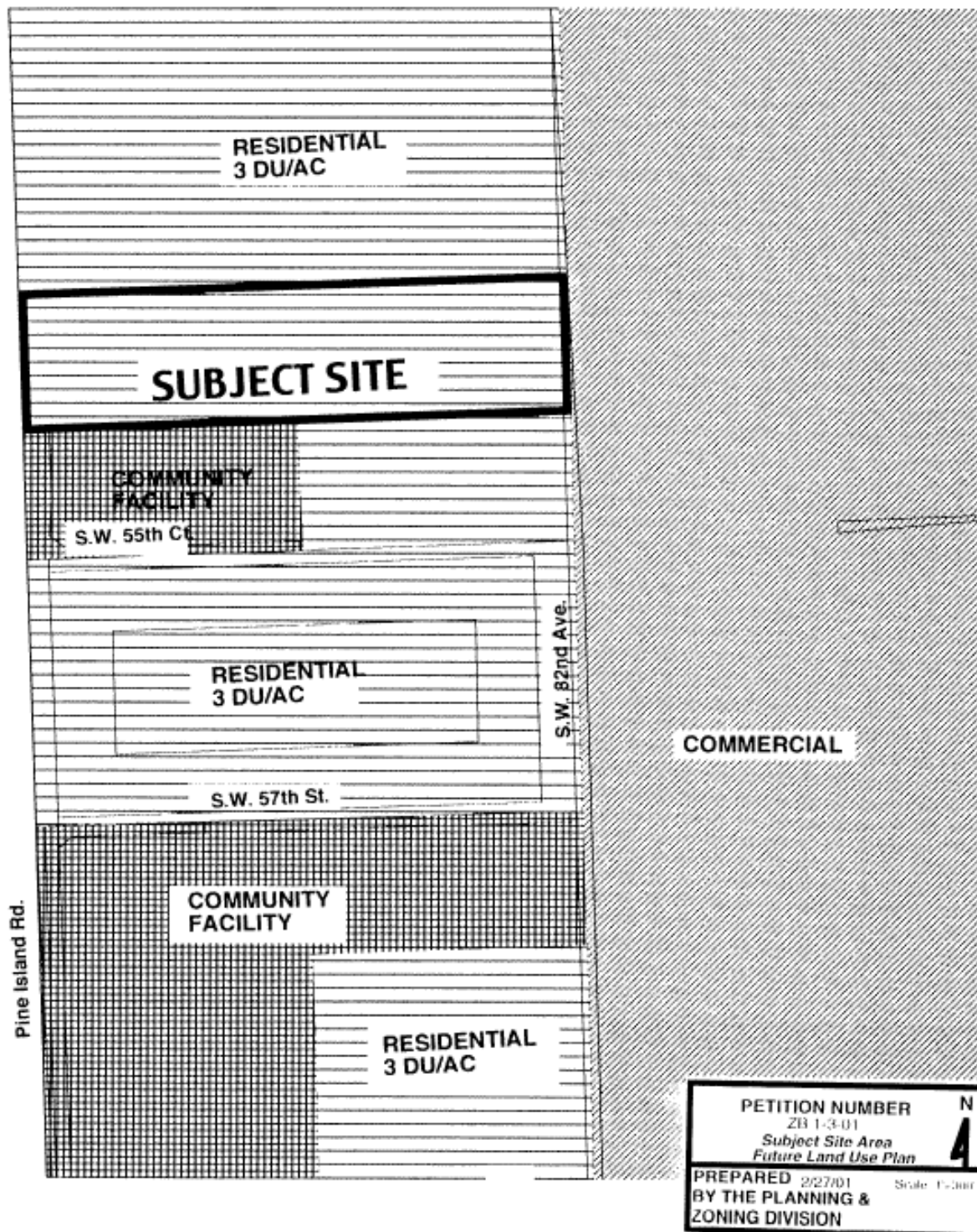
As a result, the request is consistent with sound planning practices, and will provide the most appropriate and logical use that will contribute positively to the Town's tax base.

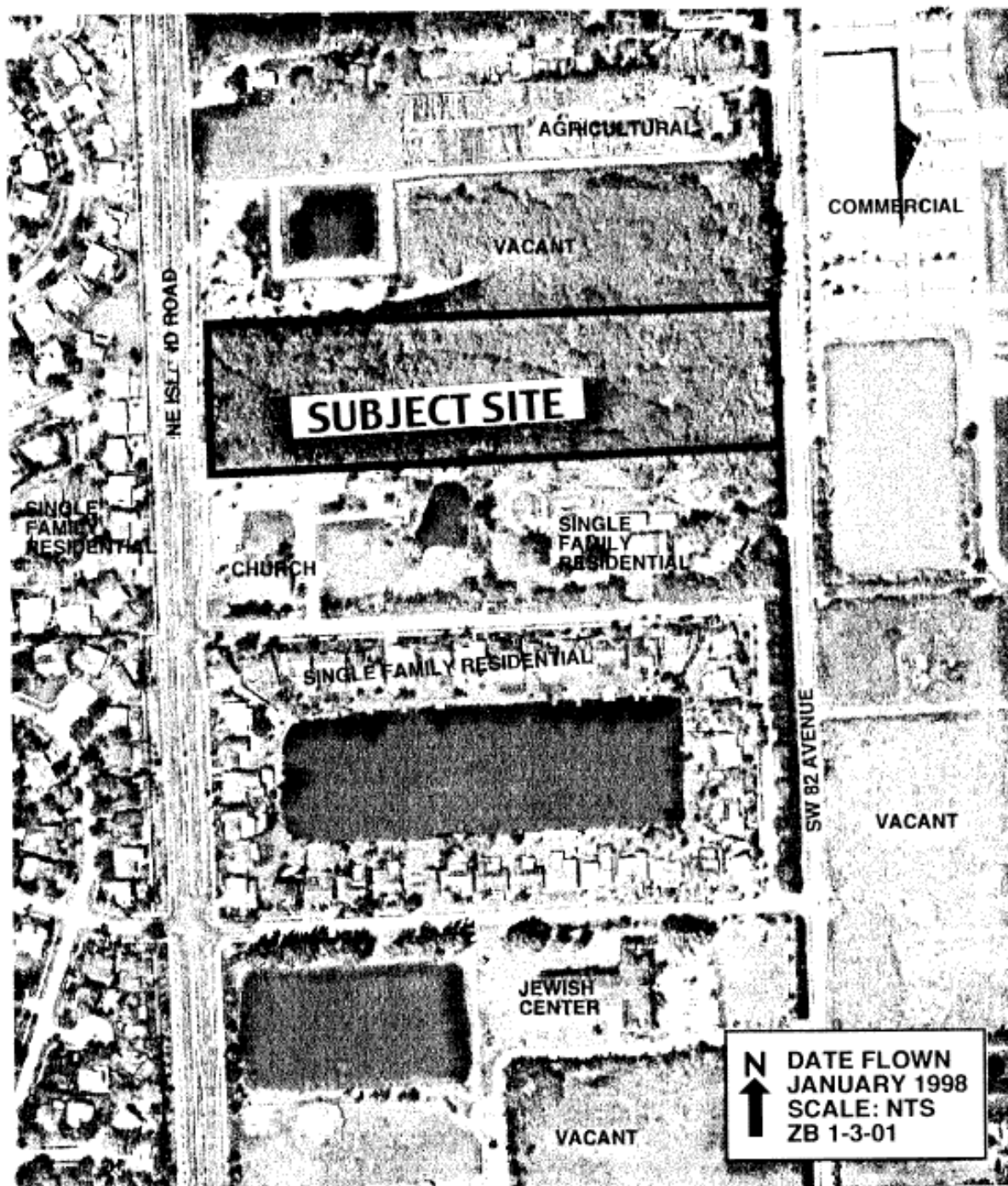
As has been demonstrated, the requested rezoning to R-3 is consistent with the adopted comprehensive plan and meets all of the criteria contained in the Land Development Code. As a result, this rezoning request and related assignment of reserve units merits favorable consideration.



PETITION NUMBER
ZB 1-3-01
Subject Site Area Zoning Map **4**

PREPARED 2/27/01 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION





NE 15TH RD ROAD

COMMERCIAL

SUBJECT SITE

SINGLE
FAMILY
RESIDENTIAL

CHURCH

SINGLE
FAMILY
RESIDENTIAL

SINGLE FAMILY RESIDENTIAL

SW 82 AVENUE

VACANT

JEWISH
CENTER

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 1-3-01